GINIGEME FLOYD

ELECTRICAL ENG 19/ENG04/021

Rape isn’t a trend

In the past several years, the subject of rape has been extensively discussed, particularly by feminists and other advocates of women's rights who have viewed the topic as a condition of injustice and oppression that women endure in our society. And it only seems to matter when it becomes atrend or brought out by influencers soon to be neglected again. To educate is to empower and this is stepping stone to tackle this problem in our environment.

The three principle elements of the crime of forcible rape that the prosecution must prove are identity, penetration, and force.

Corroboration rule that allows an uncorroborated identification by a complainant to go to the jury only if her testimony is clear and convincing on its face.

The very nature of the alibi defence raises no issue that the crime charged did not in fact occur. It simply raises the issue that it could not have involved the accused. It is therefore inconsistent to permit an accused who presents an alibi defence to present evidence of the prosecutrix's character which goes beyond evidence of her general reputation in public opinion

The penetration may be slight, and ejaculation is not necessary, although the presence of spermatozoa within the sexual organ of the complainant is persuasive evidence in establishing this element of the offense." The requirement that the victim's sexual organ be penetrated by the defendant's is strict, and conduct such as oral copulation or anal intercourse is prosecuted not as rape but as sodomy.

The crime of rape does not occur unless the sexual act is against the will of the complainant. The prosecution must therefore establish that the defendant used force or the threat of force to overcome the complainant's will to resist. Failure to resist, coupled with a lack of force or the threat of force, will lead to a presumption that the sexual intercourse was consensual.

Statutory rape, the carnal knowledge of a female child is almost invariably a crime by statute. The purpose of these statutes is to protect young girls from being enticed into sexual promiscuity. While the laws on sex offenses committed against adults have made the prosecution of offenders difficult and onerous for the victim, statutory rape remains a simpler crime to prosecute, and one in which the scrutiny of the court is directed more to the defendant's conduct than that of the victim. Thus, while proof of force and resistance are necessary elements of the crime of forcible rape, statutory rape, with few exceptions, depends only upon proof of the age and penetration of the complainant.

Rape is a traumatic and dehumanizing crime. At the very least, the victim of a sexual assault is subjected to a highly personal intrusion upon her person. Often she is brutally treated by her attacker and suffers substantial physical injuries. She is entitled to the protection of the law and to a vigorous prosecution, as is any victim of a violent street crime, without social stigmatization, indifferent treatment from authorities, or a grueling cross-examination at the hands of a defense attorney in an attempt to malign her reputation for chastity. On the other hand, a defendant in a criminal trial must be allowed to face and question his accuser and present relevant evidence in his behalf. Balancing these two interests, while preserving the very purpose of a criminal trial-an impartial search for the truth-is particularly difficult in a crime so emotionally charged as rape, where the conduct expected of the victim, as well as the defend.